



10/2/02
P4
2/A

Docket #33472/1

1 **OFFICIAL**

2 **IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

3
4
5 Serial No.: 10/062,798 Examiner:
6 Filed: 01/31/2002 Art Unit: 2161

7.
8 **TITLE: BIDDING FOR ENERGY SUPPLY**
9 **INVENTORS:** Jack J. Johnson, Summit, NJ

William F. Coyle, Summit, NJ

Commissioner of Patents and Trademarks
Washington, DC 20231

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PRELIMINARY AMENDMENT

Dear Sir:

CERTIFICATION

Applicants hereby certify that the Amendments presented below are fully supported in the Application, as originally filed, and do not introduce any New Matter.

09/20/2002 NMCHAMM1 00000096 501402 10062798

01 FC:203 621.00 CH
02 FC:202 168.00 CH



2161

Express Mail Label
No.: EV 146904929 US

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Jack J. Johnson
Summit, New Jersey

William F. Coyle
Summit, New Jersey

Case: 33472/1

Serial: 10/062,798

Group Art Unit: 2161

Examiner:

Title: BIDDING FOR ENERGY SUPPLY

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Assistant Commissioner of Patents
Box Amendment
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING
BY EXPRESS MAIL

I hereby certify that the attached Preliminary Amendment, Transmittal Form, Fee Transmittal and Return Postcard, are being deposited as Express Mail with the U.S. Postal Service on 09/18/2002 in an envelope addressed to: Assistant Commissioner of Patents, Box Patent Application, Washington, D.C. 20231


Margaret Epps

Allen N. Friedman, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102-0652
(973) 622-4444

Dated: 09/18/2002



PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/062,798
Filing Date	01/31/2002
First Named Inventor	Jack Johnson
Examiner Name	
Group Art Unit	2161
Attorney Docket No.	33472/1

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 501402
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
112	-20** = 69		x 9	= 621	
12	-3*** = 4		x 42	= 168	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		789.00

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

SUBMITTED BY	Complete if applicable		
Name (Print/Type)	Allen N. Friedman, Esq.	Registration No. (Attorney/Agent)	25,973 Telephone (973)639-6946
Signature			
Date	9/18/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/062,798
		Filing Date	01/31/2002
		First Named Inventor	Jack Johnson
		Group Art Unit	2161
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	33473/1

ENCLOSURES (check all that apply)

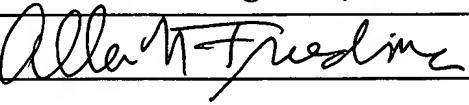
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

GROUP 3600

SEP 25 2002

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Allen N. Friedman, Esq. McCarter & English, LLP	
Signature	 #25,973	
Date		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 9-18-2002

Typed or printed name	Margaret Epps
Signature	
Date	9/18/02

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AMENDMENTS

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10 Please delete the first paragraph on Page 1 of the application, stating the priority claim,
11 and insert the following paragraph:

12 _____
13 A¹ This Application claims the benefit of the priority of Provisional Applications Serial #
14 60/039,041 filed February 24, 1997 and Serial # 60/064,421, filed October 30, 1997 and co-
15 pending Application Serial # 09/023,968, filed February 13, 1998, now U.S. Pat. #6,047,274,
16 issued April 4, 2000, and is a Continuation of co-pending Application Ser. #09/542,451, filed
17 April 4, 2000.

18 _____
19 Please amend Claim 1 as follows:
20 A² Claim 1 (Amended)
21 A method for creating an automated bidding process among energy Providers [and] for
22 the benefit of end users in which a moderating computer collects [economic incentive
23 data] bids from each Provider of a plurality of energy Providers, processes the [economic
24 incentive data] bids and [selects] designates at least [two] one Provider[s] of the
25 plurality of energy Providers to provide energy to at least one end user, based on an
26 economic choice in accordance with auction rules, wherein the method comprises:
27 a. [receiving] in the moderating computer, receiving [economic incentive data
28 specifying the economic incentive each Provider will place on a unit of] bids to
29 provide energy [provided] to the at least one end user, processing the [economic